

MINUTES OF THE NEBRASKA NATURAL RESOURCES COMMISSION MEETING

MAY 20, 2004

Those in attendance were:

Beverly Donaldson, Chair	Glenn Johnson
Garry Anderson, Member	Paul Zillig
Wayne Davis, Member	Marty Klein
LeRoy Pieper, Member	Jerry Sandeen
Keith Rexroth, Member	Leroy Stokes
Richard Hadenfeldt, Member	Ken Berney
Wayne Madsen, Member	Mike Onnen
Jim Van Marter, Member	Lyndon Vogt
Dan Watermeier, Member	Frank LaMere
Clint Johannes, Member	Len Schropfer
Vince Kramper, Member	Nelson Carpenter
Arlond Garratt, Member	Marlin Petermann
Don Roberts, Member	Justin Stine
Joe Hergott, Member	Roger Patterson, Director
Richard Jiskra, Member	Tom Pesek, Staff
Roger Korell, Member	Gayle Starr, Staff

CALL TO ORDER

The meeting was called to order at 8:00 a.m. in the conference room of the Central Platte NRD in Grand Island, Nebraska by Commission Chair, Beverly Donaldson

PUBLIC NOTICE

Notice of the meeting was placed in the LINCOLN JOURNAL & STAR and the GRAND ISLAND INDEPENDENT on May 13, 2004, notifying the public of the meeting.

INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

1. Exhibit B – Nebraska Resources development Fund – Project Components and Request for FY 2005 Funds - Staff Recommendation.
2. Natural Resources Water Quality Fund Distributions.
3. Water Well Decommissioning Cash Fund Summary.
4. Nebraska Resources Development Fund Present Financial Status.
5. NE Soil & Water Conservation Fund – Water Meter Program Summary
6. Status of Small Watersheds Flood Control Fund.
7. Soil & Water Conservation Fund – Expenditures by Month, 1996-2004.
8. Republican Basin Water Meter Program.
9. Letter from Len Schropfer dated May 20, 2004.
10. Letter from Alan and Jason Krupicka undated.
11. Letter from Dunse family dated May 17, 2004.

12. Letter from Nebraska Commission on Indian Affairs dated May 17, 2004.

13. Letter from the Pawnee Nation of Oklahoma dated May 19, 2004.

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MINUTES

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Motion was made by Kramper and seconded by Van Marter to approve the minutes of the March 25, 2004 Commission meeting as distributed. Motion carried.

Aye: Kramper, Pieper, Roberts, Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Donaldson

Nay: None

Not Present: None

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EXPENDITURES

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Commission Chair, Beverly Donaldson, noted that the expenditure report for March and April, 2004 had been distributed for Commission members.

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NATURAL RESOURCES DEVELOPMENT FUND PROJECT ASSESSMENT

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Tom Pesek reviewed the Resources Development Fund project assessment process and noted that five projects were requesting funds for the next fiscal year. He added that representatives of each of the five projects were present to give presentations as follows:

1. Antelope Creek – Lower Platte South NRD – Glenn Johnson
2. Winslow Levee –Village of Winslow and Lower Elkhorn NRD – Ken Berney & Justin Stine
3. Little Sandy Creek Watershed – Little Blue NRD – Mike Onnen
4. Stevens Creek – Lower Platte South NRD – Paul Zillig
5. Western Sarpy/Clear Creek – Papio-Missouri River NRD – Marlin Petermann

In addition to Mike Onnen's presentation regarding the Little Sandy Creek Project, Frank LaMere and Len Schropfer presented information in opposition to Site 61 of the Little Sandy Creek Watershed Project.

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ADVISOR'S COMMENTS

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Leroy Stokes, representing the Natural Resources Conservation Service, presented information regarding the delineation of hydrologic units throughout the state and adjoining states by NRCS and USGS.

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DIRECTOR'S REPORT

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Roger Patterson briefly reviewed the surface water supply situation in the state noting that only one of eleven canals in the Republican River Basin would be receiving storage water this year with perhaps two more being able to receive natural flow water. He noted that surface water supplies were also very limited in the Platte River system and noted that the Lake McConaughy is at about 38 percent of capacity.

Patterson explained that the Corps of Engineers released their master manual for operation of the Missouri River earlier this spring and that there were about six lawsuits challenging the Corp's findings. He added that the six lawsuits have been consolidated into one court in Minneapolis and Dave Cookson of the Attorney General's office would be attending a hearing there on Friday.

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PLATTE & REPUBLICAN RIVER ACTIVITIES

Patterson noted that the National Academy of Sciences review of the science used by the Fish & Wildlife Service in their flow determinations on the Platte River determined that their findings were appropriate and they suggested some additional things that could be accomplished. He added that the Governance Committee now needs to move ahead with their work and that they had met earlier this week in Denver where good progress was made.

With regard to the Republican River, Patterson indicated that the DNR staff is working with the Republican Basin NRDs to meet the settlement requirements.

WATER POLICY TASK FORCE

Patterson explained that LB 962, which encompassed the major recommendations of the Water Policy Task Force, was enacted by the Legislature and signed by the Governor and would become effective on July 16. He added that the DNR staff is gearing up to meet the various requirements included in that legislation and that an appropriation of 2.5 million dollars was authorized for the department for implementation of the bill in the next fiscal year. He added that a budget for the use of those funds is being prepared and will be reviewed with the Executive Committee of the Water Policy Task Force in the near future. He added that the Water Policy Task Force is conducting a tour of the Platte River Basin from Kearney upstream to the Pathfinder Reservoir in Wyoming the first week in June.

ENVIRONMENTAL TRUST

Vince Kramper noted that the Environmental Trust office would be moving into the Ferguson mansion in the next few months. He added that the Trust would be renting the building from the state and would be occupying only one floor of the building and would be trying to rent out the extra space to another client. He added that the Ferguson mansion is a large historic house located just southeast of the Capitol building.

Kramper explained that at the last Trust meeting, approval was made for about nine million dollars of grants with six million dollars going to new grants and three million dollars going to the second or third year of previously approved grants.

PROGRAM COMMITTEE

Dan Watermeier called on Tom Pesek who reviewed the Resources Development Fund Status Report and Quarterly Report.

Watermeier explained that several actions were required to adjust project allocations and approve obligations for the next fiscal year for the various projects requesting FY 2005 funding, all of which had made presentations earlier.

Motion was made by Kramper and seconded by Johannes to increase the Natural Resources Development Fund allocation for the Western Sarpy/Clear Creek Project by \$1,530,918.00 from \$3,155,200.00 to \$4,686,118.00. Motion carried.

Aye: Pieper, Roberts, Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Donaldson

Nay: None

Not Present: None

Motion was made by Korell and seconded by Rexroth to increase the NRDF allocation for the Stevens Creek Watershed Project by \$570,000.00 from \$1,798,396.25 to \$2,368,396.25. Motion carried.

Aye: Roberts, Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Pieper, Donaldson

Nay: None

Not Present: None

Motion was made by Pieper and seconded by Jiskra to increase the Natural Resources Development Fund allocation for the Little Sandy Creek Watershed Project by \$62,628.35 from \$2,020,200.00 to \$2,082,828.35. Motion carried.

Aye: Davis, Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier,

Van Marter, Madsen, Kramper, Pieper, Roberts, Donaldson

Nay: None

Not Present: None

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Motion was made by VanMarter and seconded by Kramper to modify components as necessary for obligation of FY 2005 funds. Motion carried.

Aye: Garratt, Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Pieper, Roberts, Davis, Donaldson

Nay: None

Not Present: None

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Motion was made by Kramper and seconded by Van Marter to establish the following components and obligate FY 2005 funds as follows:

<u>NEBRASKA RESOURCES DEVELOPMENT FUND</u>			
<u>Project Components and Obligation of FY 2005 Funds</u>			
<u>MAY 20, 2004</u>			
Project	#	Project Component	FY 2005 Obligation
Antelope Creek	4a	R-O-W Acquisitions and Relocations	
			\$ 1,327,322.32
Winslow Levee	3	Land Acquisition	
	4	Construction	
	5	O&M Manual	
			\$ 394,416.75
Little Sandy Creek Watershed	2b	Engineering, Site 40	
	3a	Lands & Easements, Sites 30 & 61	
	3b	Lands & Easements, Site 40	
	4a	Construction & Inspection, Sites 30 and 61	
			\$ 246,798.35
Stevens Creek Watershed	3	Land Rights	
			\$ 570,000.00
Western Sarpy/Clear Creek	3	R-O-W and Construction	
			\$ 1,537,280.31
		TOTAL:	\$ 4,075,817.73

Motion carried.

Aye: Johannes, Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Pieper, Roberts, Davis, Garratt, Donaldson

Nay: None

Not Present: None

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Tom Pesek distributed the Small Watersheds Flood Control Fund Status Report and briefly reviewed the report noting that a fee title tract is scheduled for sale in January of 2005. The tract is approximately 149 acres located near the community of Crab Orchard in the Nemaha NRD.

Gayle Starr distributed status reports on the Soil & Water Conservation Fund, Natural Resources Water Quality Fund, the Water Well Decommissioning Fund and the flow meter cost-share funds.

Starr explained that he was requesting that an item be added to the agenda as an emergency to provide for the allocation of the Soil & Water Conservation Funds for FY 2005. Motion was made by Kramper and seconded by Madsen to add an item to the agenda as an emergency to take action on the distribution of the Soil & Water Conservation Funds for FY 2005. Motion carried.

Aye: Hadenfeldt, Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Pieper, Roberts, Davis, Garratt, Johannes, Donaldson

Nay: None

Not Present: None

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Gayle Starr explained that the Commission has utilized the distribution formula for a number of years that provides for the allocation of one million dollars divided evenly among the 23 districts with the remaining available funds divided based on the NRI formula that the Commission has utilized for a number of years. Motion was made by Jiskra and seconded by Kramper to approve the following distribution formula for the Nebraska Soil & Water Conservation funds for FY 2005:

One million dollars distributed equally among the 23 NRDs and the distribution of any additional available funds based on the NRI formula previously adopted by the Commission. Motion carried.

Aye: Anderson, Hergott, Jiskra, Korell, Rexroth, Watermeier, Van Marter, Madsen, Kramper, Pieper, Roberts, Davis, Garratt, Johannes, Hadenfeldt, Donaldson

Nay: None

Not Present: None

LEGISLATIVE & BUDGET COMMITTEE

Gayle Starr and Roger Patterson noted that the primary legislative activity affecting the department was the passage of LB 962, which will make significant changes in the workload and operating procedures for the department. They added that an appropriation of \$2.5 million dollars was provided for the department to implement the provisions of LB 962 and that those funds would be available beginning in July. They added that it was anticipated that three additional employees would be hired to assist with those implementation efforts.

NEXT MEETING

The next meeting of the Commission will be July 20-21 in York.

ADJOURNMENT

The meeting was adjourned at approximately 11:15 a.m.

Chair

Director of Natural Resources

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